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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,199	08/08/2003	Rongchung Tyan	LMP128US	4100
23623 7590 04/21/2008 AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			EXAMINER LEPISTO, RYAN A	
			ART UNIT 2883	PAPER NUMBER
			NOTIFICATION DATE 04/21/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/637,199		TYAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	RYAN LEPISTO		2883	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-35,37,38,40,41 and 53-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-35,41,53-57 and 59-66 is/are allowed.
- 6) ☒ Claim(s) 37,38,40 and 58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|--|--|

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 37, 38, 40 and 58** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kimura (US 6,760,510 B2)**. Kimura teaches a device (Fig. 10, column 13 lines 7-37) comprising a folded path optical structure (101) having a first (75) and second (76) edge, first (85) and second (83) optical waveguides having first (75) and second (76) ends, a wavelength selective filter (86) on the surface of the first edge (75) and external to the structure (101) operative to separate bands of signals centered at a first wavelength ( $\lambda_2$ ) from signals centered at a second different wavelength ( $\lambda_3$ ) comprised in a signal input light signal source (81) that communicates with the second end (76) of the second waveguide (83) and wherein the first ends (75) of the waveguides (85, 83) communicate with the filter (86) at close to normal incidence angle (see Fig. 10, the waveguides (83, 85) or close to normal to the filter 86) for directing light in the waveguides (85, 83). Kimura also teaches a device (Fig. 9, column 12 line 35 – column 10 line 5) equal to the device in Fig. 10 except wherein an optical fiber signal input (82) communicates with the second end (76) of the first waveguide (85).

***Allowable Subject Matter***

**Claims 1, 3-35, 41, 53-57, 59-66** are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 1, 11, 13, 20, 33, 41 and 59: These claims are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a planar light circuit transceiver device for separating optical signals at a first and second different wavelength from one another from a single input signal source, a planar light circuit having an internal waveguide structure adapted to direct optical signals from a single input signal source, a wavelength selective filter positioned external to the circuit for mirror configured to pass a band of signals centered at the first wavelength and to reflect a band of signals centered at the second wavelength and a first and second signal detector positioned such that the first detector detects the band of signals centered at the first wavelength and the second detector detects the band of signal centered at the second wavelength, in combination with the rest of the claimed limitations.

With regard to claims 3-10, 12, 14-19, 21-32, 34, 35, 53-57 and 60-66: These claims are allowable over the prior art of record because they depend from allowable claims.

***Response to Arguments***

Applicant's arguments with respect to claim 37 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-Th 7:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Lepisto/  
Examiner, Art Unit 2883